



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

NOV 12 2014

OFFICE OF
COMPLIANCE AND ENFORCEMENT

Reply To: OCE-084

CERTIFIED MAIL -- RETURN RECEIPT REQUESTED

Mitch Ingham
General Manager
Ag Link, Incorporated
P.O. Box 77
860 West Broadway
Reardon, Washington 99029

Re: Request for information regarding Ag Link, Inc.'s twenty facilities located in Washington State.

Dear Mr. Ingham:

The U.S. Environmental Protection Agency, Region 10 (EPA) is seeking information and documents relating to the environmental conditions at the facilities located at:

1. 11220 RD 36 NE, COULEE CITY, WA 99115
2. RD C 28 MI W OF COULEE HWY 2 TO FARMER S, COULEE CITY, WA 99115
3. 310 W MAIN, COULEE CITY, WA 99115
4. 39100 SUNSET HWY E, DAVENPORT, WA 99122
5. 310 MORGAN AVE, DAVENPORT, WA 99122
6. 601 BULK PLANT RD, DAYTON WA 99328
7. 16715 N WESTERBERG ST, EDWALL, WA 99008
8. HWY 2 AT COLUMBIA & R ST NE, HARTLINE, WA 99135
9. PRESTON AVE, WAITSBURG, WA
10. 810 W BROADWAY, REARDAN, WA 99029
11. LAKE ST OFF HWY 2, REARDAN, WA 99029
12. 112 E FRONT ST, WAITSBURG, WA 99361
13. 110 N MAIN ST, WAITSBURG, WA 99361
14. CORNER OF BRACE AND BRUCE ST, WILBUR, WA 99185
15. 13978 SR 2 EAST, WILBUR, WA 99185
16. 108 N PINE ST, DAYTON WA 99328
17. 207 RAILROAD ST, ALMIRA, WA 99103
18. 10238 HWY 2, COULEE CITY, WA 99115
19. 400 MAIN, STARBUCK, WA 99359
20. 207 N THIRD, DAYTON, WA 99328

Pursuant to the authority of Section 114 of the Clean Air Act (CAA), 42 U.S.C. § 7414 and of Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9604(e), you are hereby requested to respond to the Information Request.

In the Information Request, EPA requests information concerning the presence and amount of CAA 112(r) regulated substances and the submission of a Risk Management Plan (Enclosure 1). A list of CAA 112(r) regulated substances is provided in Enclosure 2. EPA also requests information concerning the nature and extent of releases or potential releases from and storage of hazardous substances, pollutants, or contaminants at the facility (Enclosure 3).

The enclosed Statement of Certification (Enclosure 4) should be signed by a duly authorized officer or agent and returned with the response to this Information Request.

While EPA seeks your voluntary cooperation in this investigation, compliance with the Information Request is required by law. Failure to provide complete and truthful responses to this Information Request within **thirty (30) days** of your receipt of the request, or to adequately justify such failure to respond, may subject you to an enforcement action by EPA pursuant to Section 113(a)(3) of the CAA and/or Section 104(e) of CERCLA. Each of these statutes permits EPA to seek the imposition of penalties of up to \$37,500 for each day of non-compliance.

Please note that responses which are incomplete, ambiguous, or evasive may be treated as non-compliance with the Information Request. If you believe a question is not applicable to the facility, explain in detail the reason for that belief. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001 or Section 113(c)(2) of the CAA, 42 U.S.C. § 7413(C)(2).

A complete copy of all responses should be sent to:

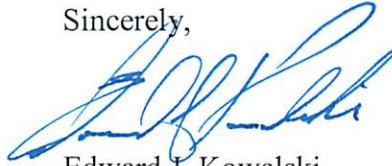
Javier Morales
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 900, OCE-084
Seattle, Washington 98101

Suzanne Powers
U.S. EPA, Region 10
Washington Operations Office
300 Desmond Dr. SE, Suite 102
Lacey, Washington 98503

Due to the legal ramification of your failure to respond properly and promptly, EPA strongly encourages you to give this matter your immediate attention and to respond to this Information Request within the time frame specified above, unless prior to the date, you send a written request and receive approval from EPA for an alternate date.

If you have any questions regarding this request, please contact Javier Morales in the Office of Compliance and Enforcement at (206) 553-1255 for CAA technical matters, Suzanne Powers in the Washington Operations Office at (360) 753-9475 for CERCLA technical matters, or Julie Vergeront in the Office of Regional Counsel at (206) 553-1497 for legal matters.

Sincerely,



Edward J. Kowalski
Director

Enclosures

1. CAA 112(r) Information Request
2. CAA 112(r) Regulated Substances List
3. CERCLA Information Request
4. Statement of Certification
5. Small Business Resource List

ENCLOSURE 1
CAA 112(r) INFORMATION REQUEST

A. INSTRUCTIONS

1. Please provide a separate narrative response to each question and subpart of a question set forth in this Information Request, with the number of the question to which it corresponds.
2. For each question contained herein, identify each document consulted, examined, or referred to in the preparation of the response or that contains information responsive to the question, and provide a true and correct copy of each such document if not provided in response to another specific request herein.
3. Indicate on each document produced in response to this Information Request, or in another reasonable manner, the number of the question to which it corresponds.
4. If requested information or documents are not known or are not available to you at the time of your response to this Information Request, but later become known or available to you, you must supplement your response to EPA. Moreover, should you find at any time after submission of your response that any portion is or becomes false, incomplete, or misrepresents the facts, you must provide EPA with a corrected response as soon as possible.
5. The information requested herein must be provided whether or not you regard part or all of it as a trade secret or confidential business information. You may, if you desire, assert a business confidentiality claim covering part or all of the information submitted pursuant to Sections 114 of the Clean Air Act, 42 U.S.C. § 7414, and 40 C.F.R. Part 2, by labeling such information at the time it is submitted to EPA as "trade secret" or "proprietary" or "company confidential" or other suitable notice.

The information covered by such a claim will be disclosed by EPA only to the extent and by the procedures set forth in statutes and 40 C.F.R. Part 2, Subpart B. Additional rules governing certain information obtained under the CAA appear in 40 C.F.R. § 2.301. Unless you make a claim at the time that you submit the information in the manner described in 40 C.F.R. § 2.203(b), it may be made available to the public by EPA without further notice to you. You should read 40 C.F.R. Part 2 carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.

6. All responses to requests for historical information should include information from January 1, 2010, to present, unless specified otherwise.

B. DEFINITIONS

The following definitions apply to this Information Request. All terms not defined herein shall have their ordinary meaning unless such terms are defined in the Clean Air Act or in the regulations at 40 C.F.R. Part 68.

1. The "company" refers to either the owner or operator of the facilities, or both. If a question would have a different response because the owner and operator are different entities, the response shall be made in relation to both.

2. The term “document” means any object that records, stores, or presents information, and includes writings, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hard copy, including any form or format of these. If in computer format or memory, each such document shall be provided in translation to a form useable and readable by EPA, with all necessary documentation and support. All documents in hard copy should also include: (a) any copy of each document which is not an exact duplicate of a document which is produced, (b) each copy which has any writing, notation, or the like on it, (c) drafts, (d) attachments to or enclosures with any document, and (e) every other document referred to or incorporated into each document.
3. The terms “identify” and “describe” mean, with respect to a corporation, partnership, business trust, or other association or business entity (including a sole association or sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), registered agent, organization, if any, and a brief description of its business.
4. The terms “identify” and “describe” mean, with respect to a natural person, to set forth the person's name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position, or business.
5. The terms “identify” and “describe” mean, with respect to a document, to provide its customary business description, its date, its number, if any (catalog, index, storage, invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, the substance, and the subject matter.
6. The terms “person” or “entity” shall have the same definition as “person” as defined in Section 302(e) of the Clean Air Act, and shall include any individual, association, corporation, partnership, or any federal, state, or local governmental entity.
7. The terms “you” or “Respondent” mean the addressee of this Request, and the addressee's subsidiaries, divisions, officers, directors, managers, employees, contractors, trustees, partners, successors, assigns, attorneys, and agents, as applicable.
8. The terms “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this information request any information which might otherwise be construed to be outside its scope.
9. The term “vessel,” as defined in 40 C.F.R. § 68.3, means any reactor, tank, drum, barrel, cylinder, vat, kettle, boiler, pipe, hose, or other container.
10. The term “regulated substance,” as defined in 40 C.F.R. § 68.3, means any substance listed pursuant to Section 112(r)(3) of the Clean Air Act as amended, in 40 C.F.R. § 68.130. Enclosure 2 provides this list of regulated substances and their threshold quantities.
11. The term “process,” as defined in 40 C.F.R. § 68.3, means any activity involving a regulated substance including any use, storage, manufacturing, handling, or on-site movement of such substances, or combination of these activities. For the purposes of this definition, any group of vessels that are interconnected, or separate vessels that are located such that a regulated substance could be involved in a potential release, shall be considered a single process.
12. The term “process equipment” means all equipment used in the process.
13. The term “stationary source,” as defined in 40 C.F.R. § 68.3, means any buildings, structures, equipment, installations, or substance emitting stationary activities which belong to the same industrial group, which are located on one or more contiguous properties, which are under the

control of the same person (or persons under common control), and from which an accidental release may occur. The term stationary source does not apply to transportation, including storage incident to transportation, of any regulated substance or any other extremely hazardous substance under the provisions of 40 C.F.R. Part 68. A stationary source includes transportation containers used for storage not incident to transportation and transportation containers connected to equipment at a stationary source for loading or unloading. Transportation includes, but is not limited to, transportation subject to oversight or regulation under 49 C.F.R. Parts 192, 193, or 195, or a state natural gas or hazardous liquid program for which the state has in effect a certification to Department of Transportation under 49 U.S.C. Section 60105. A stationary source does not include naturally occurring hydrocarbon reservoirs. Properties shall not be considered contiguous solely because of a railroad or pipeline right-of-way.

14. The term “threshold quantity,” as defined in 40 C.F.R. § 68.3, means the quantity specified for regulated substances pursuant to Section 112(r)(5) of the Clean Air Act as amended, listed in 40 C.F.R. § 68.130 and determined to be present at a stationary source. A threshold quantity of a regulated substance listed in 40 C.F.R. § 68.130 is present at a stationary source if the total quantity of the regulated substance contained in a process exceeds the threshold. For the purposes of determining whether more than a threshold quantity of a regulated substance is present at the stationary source, the exemptions in 40 C.F.R. § 68.115 apply. Enclosure 2 provides this list of regulated substances and their threshold quantities.
15. The term “Risk Management Plan” means the plan required by 40 C.F.R. Part 68, Subpart G if a stationary source has more than a threshold quantity of a regulated substance in a process.
16. The term “facility” means the property owned or operated by Ag Link, Incorporated at each of the following addresses (the property at each such address shall be referred to as a “facility” and these properties shall be referred to collectively as “the facilities”):
 1. 11220 RD 36 NE, COULEE CITY, WA 99115
 2. RD C 28 MI W OF COULEE HWY 2 TO FARMER S, COULEE CITY, WA 99115
 3. 39100 SUNSET HWY E, DAVENPORT, WA 99122
 4. 310 MORGAN AVE, DAVENPORT, WA 99122
 5. 601 BULK PLANT RD, DAYTON WA 99328
 6. 16715 N WESTERBERG ST, EDWALL, WA 99008
 7. HWY 2 AT COLUMBIA & R ST NE, HARTLINE, WA 99135
 8. PRESTON AVE, WAITSBURG, WA
 9. 810 W BROADWAY, REARDAN, WA 99029
 10. LAKE ST OFF HWY 2, REARDAN, WA 99029
 11. 112 E FRONT ST, WAITSBURG, WA 99361
 12. 110 N MAIN ST, WAITSBURG, WA 99361
 13. CORNER OF BRACE AND BRUCE ST, WILBUR, WA 99185
 14. 13978 SR 2 EAST, WILBUR, WA 99185
 15. 108 N PINE ST, DAYTON WA 99328
 16. 10238 HWY 2, COULEE CITY, WA 99115
 17. 400 MAIN, STARBUCK, WA 99359
 18. 207 N THIRD, DAYTON, WA 99328
17. Words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions.

C. INFORMATION REQUEST

Provide the following information for each facility, making clear in your response the facility to which the information applies:

1. Identify the legal owner of the facility. If the owner and operator of the facility is not the same entity, identify the operator of the facility and provide contracts/legal documents between entities as they relate to ownership, purchase or buy-back agreements and contract operation.
2. Provide the name of the facility, as used by the owner and operator, and the street and mailing addresses for the facility.
3. Provide the number of individuals employed full time on an annual basis by the company across all facilities and operations owned by the company. This number should include contract employees.
4. Provide the quantity, in pounds, of all regulated substances that are/were available at the facility above their respective threshold quantities in a single process since January 1, 2010, or that may in the future be found above their respective thresholds as part of routine or emergency operations. If the facility has more than a threshold quantity of a regulated substance, but the regulated substance is in two or more processes that each contain less than the threshold quantity, provide that information and explain why the processes are considered to be separate processes. For every regulated substance found to be above the threshold quantity at the facility, provide the dates that the substance was above the threshold quantity, and its concentration.
5. Provide any available evidence that a Risk Management Plan was submitted for the facility, or that a Risk Management Plan was not required. If providing evidence that a Risk Management Plan was submitted, provide a copy of the Risk Management Plan and the accompanying signed certification letter, the dates that they were submitted on, and a copy of the address that they were submitted to.
6. Provide an accurate and up-to-date process flow diagram and site plan for the facility. If existing process flow diagrams do not represent a current configuration or rate, so state and provide current configurations and rates where appropriate. On the diagrams and site plans, using a key for clarity purposes, indicate where each regulated substance above the threshold quantity is located.
7. Provide a detailed narrative description of how each regulated substance above the threshold quantity is used at the facility, referring to the relevant process flow diagrams and site plans wherever possible. Describe in detail the chemical or physical changes occurring in each process for each regulated substance.
8. Provide the income reports for the direct sales by the facility of anhydrous ammonia to end users (e.g., farmers). Explain and identify the percentage of direct sales to end users for each year.